



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 14, 1991

Mr. Wayne F. Schaper
Executive Director
of Administration
Spring Branch I. S. D.
P.O. Box 19432
Houston, Texas 77224-9432

OR91-238

Dear Mr. Schaper:

By letter of January 23, 1991, you requested an Open Records Decision from this office. Your request was assigned ID # 11538.

The parents of a student in the Spring Branch Independent School District who was assaulted by other students requested information about the assault, including the names of students involved and disciplinary action taken against them. Records about students in state-supported educational institutions are subject to the Family Educational Rights and Privacy Act of 1974 (FERPA), also known as the Buckley Amendment. The Texas Open Records Act provides as follows:

Nothing in this Act shall be construed to require the release of information contained in education records of any educational agency or institution except in conformity with the provisions of the Family Educational Rights and Privacy Act of 1974, as enacted by Section 513 of Public Law 93-380, codified as Title 20 U.S.C.A. Section 1232g, as amended.

V.T.C.S. art. 6252-17a, § 14(e).

Under FERPA, no federal funds will be made available to an educational agency that denies the parents of students the right to inspect and review the education records of their children, or that release education records or personally identifiable information contained therein without the written consent of the parents. See 20 U.S.C. § 1232g(a)(1)(A), (a)(2), (b)(1). If you have information that is responsive to this request, you must make available to the parents information about their child, but you must delete information that identifies other students. Thus, you may not release the names of the other students or any information that

identifies them. If you need further assistance, you should contact the Family Policy and Regulations Office of the United States Department of Education at the following address and telephone number:

400 Maryland Ave. S.W.
Washington D.C. 20202

(202) 401-2057

Enclosed are copies of Open Records Decision No. 332 (1982) and of the pages of the Attorney General's Handbook on the Open Records Act that deal with FERPA. I hope this information will be helpful.

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-238.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/lb

Ref.: ID# 11538

Enclosures: Open Records Decision No. 332
Attorney General's Handbook on the Open Records Act, pg. 55-60